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**Introduced by Senator Karnette**

February 22, 2002

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An act to amend Section 12012.5 of the Government Code, relating to gaming.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1929, as introduced, Karnette. Indian gaming compacts.

Existing law expressly ratifies specified tribal-state gaming compacts entered in accordance with the federal Indian Gaming Regulatory Act of 1988. Existing law further sets forth the procedures by which any other compact entered into between the State of California and any other federally recognized Indian tribe may be ratified.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12012.5 of the Government Code is  
2 amended to read:

3 12012.5. (a) The following tribal-state compacts entered in  
4 accordance with the Indian Gaming Regulatory Act of 1988 (18  
5 U.S.C. Sec. 1166 et seq. and 25 U.S.C. Sec. 2701 et seq.) are  
6 hereby ratified:

7 (1) The compact between the State of California and the  
8 Barona Band of Mission Indians, executed on August 12, 1998.

9 (2) The compact between the State of California and the Big  
10 Sandy Rancheria of Mono Indians, executed on July 20, 1998.



1 (3) The compact between the State of California and the  
2 Cher-Ae Heights Indian Community of Trinidad Rancheria,  
3 executed on July 13, 1998.

4 (4) The compact between the State of California and the  
5 Jackson Rancheria Band of Miwuk Indians, executed on July 13,  
6 1998.

7 (5) The compact between the State of California and the  
8 Mooretown Rancheria of Concow/Maidu Indians, executed on  
9 July 13, 1998.

10 (6) The compact between the State of California and the Pala  
11 Band of Mission Indians, as approved by the Secretary of the  
12 Interior on April 25, 1998.

13 (7) The compact between the State of California and the  
14 Redding Rancheria, executed on August 11, 1998.

15 (8) The compact between the State of California and the  
16 Rumsey Indian Rancheria of Wintun Indians of California,  
17 executed on July 13, 1998.

18 (9) The compact between the State of California and the  
19 Sycuan Band of Mission Indians, executed on August 12, 1998.

20 (10) The compact between the State of California and the Table  
21 Mountain Rancheria, executed on July 13, 1998.

22 (11) The compact between the State of California and the  
23 Viejas Band of Kumeyaay Indians, executed on or about August  
24 17, 1998.

25 The terms of each compact apply only to the State of California  
26 and the tribe that has signed it, and the terms of these compacts do  
27 not bind any tribe that is not a signatory to any of the compacts.

28 (b) Any other compact entered into between the State of  
29 California and any other federally recognized Indian tribe which  
30 is executed after August 24, 1998, is hereby ratified if (1) the  
31 compact is identical in all material respects to any of the compacts  
32 ratified pursuant to subdivision (a), and (2) the compact is not  
33 rejected by each house of the Legislature, two-thirds of the  
34 membership thereof concurring, within 30 days of the date of the  
35 submission of the compact to the Legislature by the Governor.  
36 However, if the 30-day period ends during a joint recess of the  
37 Legislature, the period shall be extended until the fifteenth day  
38 following the day on which the Legislature reconvenes. A compact  
39 will be deemed to be materially identical to a compact ratified  
40 pursuant to subdivision (a) if the Governor certifies that it is

1 materially identical at the time he or she submits it to the  
2 Legislature.

3 (c) The Legislature acknowledges the right of federally  
4 recognized tribes to exercise their sovereignty to negotiate and  
5 enter into compacts with the state that are materially different from  
6 the compacts ratified pursuant to subdivision (a). These compacts  
7 shall be ratified upon approval of each house of the Legislature, a  
8 majority of the membership thereof concurring.

9 (d) The Governor is the designated state officer responsible for  
10 negotiating and executing, on behalf of the state, tribal-state  
11 gaming compacts with federally recognized Indian tribes in the  
12 State of California pursuant to the federal Indian Gaming  
13 Regulatory Act of 1988 (18 U.S.C. Sec. 1166 et seq. and 25 U.S.C.  
14 Sec. 2701 et seq.) for the purpose of authorizing class III gaming,  
15 as defined in that act, on Indian lands. Nothing in this section shall  
16 be construed to deny the existence of the Governor's authority to  
17 have negotiated and executed tribal-state compacts prior to the  
18 effective date of this section.

19 (e) The Governor is authorized to waive the state's immunity  
20 to suit in federal court in connection with any compact negotiated  
21 with an Indian tribe or any action brought by an Indian tribe under  
22 the Indian Gaming Regulatory Act (18 U.S.C. Sec. 1166 et seq.  
23 and 25 U.S.C. Sec. 2701 et seq.).

24 (f) In deference to tribal sovereignty, the execution of, and  
25 compliance with the terms of, any compact specified under  
26 subdivision (a) or (b) ~~shall~~ *may* not be deemed to constitute a  
27 project for purposes of the California Environmental Quality Act  
28 (Division 13 (commencing with Section 21000) of the Public  
29 Resources Code).

30 (g) Nothing in this section ~~shall~~ *may* be interpreted to authorize  
31 the unilateral imposition of a statewide limit on the number of  
32 lottery devices or of any allocation system for lottery devices on  
33 any Indian tribe that has not entered into a compact that provides  
34 for such a limit or allocation system. Each tribe may negotiate  
35 separately with the state over these matters on a  
36 government-to-government basis.

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